



Idaho Public Utilities Commission

P.O. Box 83720, Boise, ID 83720-0074

Brad Little, Governor

Eric Anderson, President

John Chatburn, Commissioner

John R. Hammond, Jr., Commissioner

Dec 20, 2022

Report # I202206

Pat Darras – Vice President of Engineering & Operations Services
Intermountain Gas Company
400 N 4th St.
Bismarck, ND 58501

Dear Mr. Darras:

On Dec 19th, 2022, the Idaho Public Utilities Commission (“Commission”), Pipeline Safety Division (“Staff”), conducted an Operator Qualification inspection of Intermountain Gas Company’s (“IGC”) Operator Qualification Plan, pursuant to Chapter 601 of Title 49, United States Code.

Staff observed that some of the Idaho natural gas distribution system owned and operated by IGC was out of compliance on item(s). This results in probable violations of the pipeline safety regulations Title 49, Code of Federal Regulations, Part 192. The probable violations are as follows:

PROBABLE VIOLATION(S)

1. 49 CFR §192.805 Qualification Program.

Each operator shall have and follow a written qualification program. The program shall include provisions to:

- (a) Identify covered tasks;
- (b) Ensure through evaluation that individuals performing covered tasks are qualified;
- (c) Allow individuals that are not qualified pursuant to this subpart to perform a covered task if directed and observed by an individual that is qualified;
- (d) Evaluate an individual if the operator has reason to believe that the individual's performance of a covered task contributed to an incident as defined in Part 191;
- (e) Evaluate an individual if the operator has reason to believe that the individual is no longer qualified to perform a covered task;
- (f) Communicate changes that affect covered tasks to individuals performing those covered tasks;
- (g) Identify those covered tasks and the intervals at which evaluation of the individual's qualifications is needed;
- (h) After December 16, 2004, provide training, as appropriate, to ensure that individuals performing covered tasks have the necessary knowledge and skills to perform the tasks in a manner that ensures the safe operation of pipeline facilities; and

(i) After December 16, 2004, notify the Administrator or a state agency participating under 49 U.S.C. Chapter 601 if an operator significantly modifies the program after the administrator or state agency has verified that it complies with this section. Notifications to PHMSA must be submitted in accordance with §192.18.

2. 49 CFR §192.807 Recordkeeping.

Each operator shall maintain records that demonstrate compliance with this subpart.

(a) Qualification records shall include:

- (1) Identification of qualified individual(s);
- (2) Identification of the covered tasks the individual is qualified to perform;
- (3) Date(s) of current qualification; and
- (4) Qualification methods(s).

(b) Records supporting an individual's current qualification shall be maintained while the individual is performing the covered task. Records of prior qualification and records of individuals no longer performing covered tasks shall be retained for a period of five years.

Finding(s):

Through investigation and self-reporting by the Company, Commission Staff ("Staff") learned that the Company had violated pipeline safety requirements by allowing 1,847 work orders to be issued and performed by unqualified operators.

REQUESTED ACTIONS

A reply to this correspondence is required no later than **45 days** from the date of this letter. Please submit a written reply providing a statement of all relevant facts including a complete description of the corrective action(s) taken with respect to the above referenced probable violations, and all actions to be taken to prevent future failures in these areas of concern. This written reply must be signed by an IGC official with authority to bind the company.

Please send all documents to our office at 11331 W. Chinden Blvd, Boise, Idaho 83714-1021. Be advised that all material you submit in response to this enforcement action may be a public record and subject to disclosure under Idaho's Public Records Law. *See* Idaho Code §§74-101 et seq.

If you wish to dispute any of the above referenced potential violations, you have the right to appear before the Pipeline Safety Division in an informal conference before February 3, 2023, at the above address. You have the right to present relevant documents and evidence to the Pipeline Safety Division at that conference. The Pipeline Safety Division will make available to you any evidence which indicates that you may have violated the law, and you will have the opportunity to rebut this evidence. *See* Commission Orders 35095 and 35334, which can be found at <https://puc.idaho.gov/>. If you intend to request an informal conference, please contact the Pipeline Safety Division no later than January 19, 2023.

If you wish to dispute any of the allegations in this Notice, but do not want an informal conference, you may send the Pipeline Safety Division a written reply to this Notice. This written reply must be filed with the Commission on or before February 3, 2023, and must be signed by an IGC official with authority to bind the company. The reply must include a complete statement of all relevant facts, and all documentation, evidence, and argument IGC submits to refute any of the above referenced probable violations.

If you do not respond to this notice by February 3, 2023, you may be subject to any Commission enforcement action as allowed under Idaho law, including but not limited to, potential civil penalties of up to two hundred thousand (\$200,000). *See* Idaho Code §61-712A.

If you have any questions concerning this Notice, please contact me at (208) 334-0333. All written responses should be addressed to me at the above address, or you may fax your response to (208) 334-3762.

We appreciate your attention to this matter and your effort to promote pipeline safety.

Sincerely,



Jeff Brooks
Pipeline Safety, Program Manager
Idaho Public Utility Commission

